

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

x		
Ring Of Honor, Inc.		: Civil Action No.
	Plaintiffs	:
		:
v.		:
		:
Mark Thompson		:
Michael Kink		:
Dbas MarkOutVideo		:
	Defendants	:
x		

COMPLAINT

Plaintiffs, herein complains and alleges as follows:

1. The Plaintiff, Ring of Honor, Inc. is a company that conducts business from Langhorne, Pennsylvania which is under the venue of the United States District Court of the Eastern District of Pennsylvania.
2. Defendants Mark Thompson, Michael King and through their business Mark Out Video conduct business from Springfield, Virginia. More specifically, the Defendants are believed to conduct business from 8846 Surveyors Place, Springfield, VA 22152.
3. There exists a diversity of citizenship between the Plaintiff and at least one of the Defendants.

COUNT I
COPYRIGHT INFRINGEMENT

4. This is an action for patent infringement arising under the patent laws of the United States, particularly, Title 17, United States Code, sections 501 et seq. This Court has subject jurisdiction pursuant to 28 U.S.C. Section 1331 and 1338 in that this Complaint raises federal questions under Title 17 of the United States Code.

5. Plaintiff is the owners of United States Copyright registration PA 1-089-437, entitled "The Era Of Honor Begins". A copy of the Copyright registration is attached as Exhibit 1.
6. The Plaintiff are in the business of arranging, promoting, broadcasting and distributing professional wrestling events. The Plaintiffs also have exclusive rights to record such wrestling events in various media. The Plaintiff have copyrights in each video produced. Many of the newer videos have copyright registrations pending at the Copyright Office at the Library Of Congress.
7. All videos produced by Ring Of Honor, including the specific copyright registration cited, are owned by Ring Of Honor and contain copyright notices and statements of prohibition against unauthorized copying.
8. Defendants operate a website at the URL <http://www.geocities.com/markoutvideo/hom3.html>. A copy of the homepage of this website is provided as Exhibit 2. At this website, orders for bootlegged copies of wrestling videos can be purchased by emailing Markout video@aol.com.
9. Using on-line ordering, the Defendants have sold and continue to sell unauthorized copies of Ring Of Honor videos in violation of the copyrights of the Plaintiff.
10. Defendants have realized unlawful and unjust profits from the unauthorized and illegal duplication and distribution of the Ring Of Honor videos. Defendants continue to infringe the copyrights owned by Plaintiff and unless enjoined, will continue to infringe said copyrights, thereby causing the Plaintiff injury.
11. Defendants have copies and sold copies of the Plaintiffs videos fully knowing that such videos were copyrighted. As such, such reproduction and sale was done willfully, maliciously and without regard to the Plaintiff's copyrights.

COUNT II

UNFAIR COMPETITION

12. This Count arises under the Pennsylvania common law of unfair competition. Jurisdiction is pendant to Count I pursuant to 28 U.S.C. S1338(b). Venue is proper in this District under 28 U.S.C. 1391.

13. Plaintiffs hereby reallege and incorporate herein the allegations of paragraphs 4-11, inclusive.
14. By committing the acts herein alleged, Defendants have been guilty of unfair competition, deceptive advertising and unfair trade practices, in violation of the Pennsylvania common law of unfair competition causing Plaintiff damages and loss of profits. Defendant's unlawful conduct will continue to damage Plaintiff unless enjoined by this Court, and Plaintiff has no adequate remedy at law.

COUNT III

VIOLATION OF THE PENNSYLVANIA UNFAIR TRADE PRACTICES CONSUMER PROTECTION LAW

15. This is an action for unfair methods of competition and unfair and deceptive acts and practices in the conduct of Defendant's trade in violation of the Pennsylvania Unfair Trade Practices And Consumer Protection Law, 73 Pa. P.A. §201 et seq.
16. This cause of action is separate and independent of the cause of action set forth in Count I, but is between the same parties and is based on the same operative facts as set forth in Count I. Pendent jurisdiction of this Court for Count IV is therefore present pursuant to 28 U.S.C. §1338(v). Venue is proper in this District under 28 U.S.C. §1391.
17. Plaintiffs reallege and incorporate herein the allegations of paragraphs 5-14, inclusive.
18. By committing the acts herein alleged, Defendant has been guilty of unfair methods of competition and unfair and deceptive acts and practices in the conduct of its trade within the Commonwealth of Pennsylvania in violation of Pennsylvania Statutes, 73 Pa. P.S. §201 et seq., causing Plaintiff damages and

loss of profits. Defendant's unlawful conduct will continue to damage Plaintiff unless enjoined by this Court.

WHEREFORE, Plaintiff prays:

a) That a preliminary and permanent injunction issue restraining Defendants, their agents, servants, employee, successors and assigns and all others in concert and privity with them from infringement of Plaintiff's copyrights, from injuring Plaintiff's business, from unfairly competing with Plaintiff, and from engaging in unfair and deceptive trade practices.

b) That Defendants be required to account to Plaintiffs for Defendants' profits, the actual damages suffered by Plaintiffs as a result of Defendants' acts of infringement, unfair competition, and unfair and deceptive trade practices together with interest and costs.

c) That Defendants be ordered to surrender for destruction all products, nameplates, labels, advertisements and other materials constituting infringement of Plaintiffs' intellectual property.

d) That Defendants be compelled to pay Plaintiffs' treble damages, punitive damages and statutory damages as well as attorney's fees, together with all costs of this suit; and

e) For such other and further relief as may be just and equitable.

Plaintiffs,
Ring Of Honor.

BY: _____
Eric A. LaMorte
Attorney for Plaintiffs
PA No. 59804
LaMorte & Associates
P.O. Box 434
Yardley, PA 19067-8434

JURY DEMAND

Pursuant to F.R.C.P. Rule 38(b), Plaintiff demands a trial by jury on all issues.

Plaintiffs,
Ring Of Honor.

BY: _____
Eric A. LaMorte
Attorney for Plaintiff
LaMorte & Associates
P.O. Box 434
Yardley, PA 19067-8434